

MEMORANDUM ENDORSEMENT

Wang v. International Business Machines Corp.,
11 CV 2992 (VB)

The Court has received defendant's counsel's letter of May 30, 2014, asking the Court to order plaintiff's counsel, Eric Baum and Andrew Rozynski, to file declarations by June 6, 2014, setting forth "(1) plaintiff's position regarding settlement, and (2) their personal knowledge of the validity of Plaintiff's position based on what [transpired] at the settlement conference." (Doc. #78).

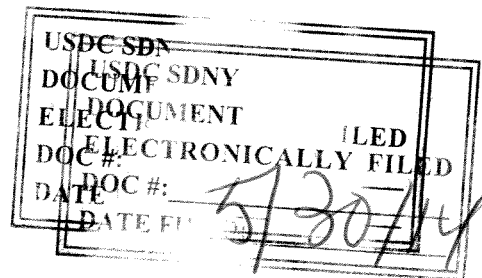
The application is DENIED as moot. The affidavits filed by Mr. Baum and Mr. Rozynski in support of their motion to withdraw as counsel include the information specified in defendant's counsel's letter. Accordingly, Mr. Baum and Mr. Rozynski need not file any additional affidavits or declarations.

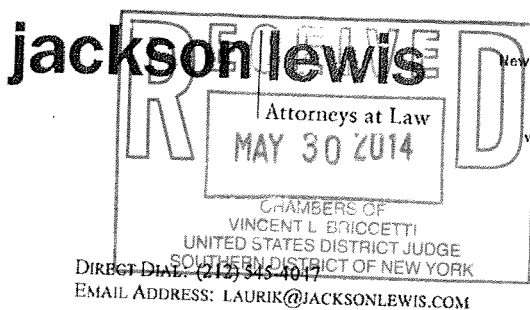
Dated: May 30, 2014
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge





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May 30, 2014

VIA ECF

Honorable Vincent L. Briccetti
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street, Room 620
White Plains, New York 10601

Re: **Jian Wang a/k/a James Wang v.
International Business Machines
Corp.
11 Civ. 2992 (VB)**

Dear Judge Briccetti:

We are counsel for Defendant International Business Machines Corp. ("IBM" or "Defendant") in the above action. As the Court is aware, on May 23, 2014, Defendant filed a Motion to Enforce Settlement and Plaintiff's counsel filed a Motion to Withdraw. We have reviewed the Motion to Withdraw and recognize that the relief requested may be necessary. Accordingly, Defendant will not be filing an opposition. However, Defendant respectfully requests that Mr. Baum and Mr. Rozynski be required to submit declarations prior to the June 6, 2014 conference so that IBM is not prejudiced by the withdrawal.

Plaintiff's counsel was present at the mediation, involved in all settlement discussions, and may be necessary to resolve any issue pertaining to the enforceability of the parties' agreement. Accordingly, Mr. Baum and Mr. Rozynski should be required to submit declarations setting forth the following, without revealing the details of any privileged conversations: (1) Plaintiff's position regarding settlement; and (2) their personal knowledge of the validity of Plaintiff's position based on what transcribed at the settlement conference.

Some of this information may have been included in the statements Mr. Baum and Mr. Rozynski filed in support of their Motion to Withdraw. However, opposing counsel redacted the statements such that everything is redacted other than the fact that they attended the mediation, the length of the mediation, and a description of the mode of communication between Plaintiff and his counsel. There are many other details about the mediation that are likely not privileged that will assist the Court in determining whether to enforce the settlement.



Honorable Vincent L. Briccetti
United States District Judge
United States District Court
May 30, 2014
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Thank you for your consideration.

Respectfully submitted,
JACKSON LEWIS P.C.

A handwritten signature in cursive script, appearing to read "Kevin G. Lauri".

Kevin G. Lauri

cc: Andrew Rozynski, Esq.
Eric Baum, Esq.
Dana G. Weisbrod, Esq. (Jackson Lewis P.C.)
Jillian L. Hunt, Esq. (Jackson Lewis P.C.)